



PATENT
ATTORNEY DOCKET NO. 44574-5040-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Patrick C. KUNG *et al.*)

Application No.: 09/830,033)

Filed: October 22, 2001)

For: PHYTOMICS: A GENOMIC-BASED)
APPROACH TO HERBAL)
COMPOSITIONS)

Group Art Unit: 1645

Examiner: Unassigned

#7
Plunkert
4/2/02
TECH CENTER 1600/2900

JAN 15 2002

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

A Copy of the listed document is attached. Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not

constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

F. Pierre VanderVegt, Ph.D.

Reg. No. 49,088

Dated: January 8, 2002

Customer No. 009629

MORGAN, LEWIS & BOCKIUS LLP

1800 M Street, N.W.

Washington, D.C. 20036-5869

(202) 467-7039

(202) 467-7176 - fax